IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 2 OF 2006

IN

SECOND APPEAL NO. 63 OF 2005

M/S SOCIEDADE DE FOMENTO INDUSTRIAL LTD., REP.BY ITS CONSTITUTED ATTORNEY ....Applicant

Versus

THE GOVT.OF GOA,THROUGH ITS CHIEF SECRETARY AND 3 ORS., ...Respondents

Mr. M. S. Usgaonkar, Senior Advocate with Mr. Sudesh Usgaonkar, Advocate for the applicant.

Mr. S. R. Rivonkar, Government Advocate for the respondents.

Coram:- V.C.DAGA, J.

Date:- 26th July, 2006

P.C.

Heard. Perused the review petition.

2. The submission made by Mr. Usgaonkar, learned Senior Counsel appearing for the review petitioner is that the roads passing through Survey Nos. 19 and 21 and 20 and 21 (para 8 of the plaint) declared as forest land under Section 4 do not fall within the purview of the notification in question. According to him, Section 4 of the Act does not cover roads which are in existence in the said land since they do not form part of revenue survey numbers through which they are passing. He further submits that the notification reserving forest issued under Section 20 pertains only to the land forming part of the revenue survey numbers, notified in the notification. They do not embrace roads passing through

the said survey numbers. In his submission, road falls outside the said land and survey numbers notified.

3. The submissions made cannot be a basis or foundation to entertain this review petition. The road passing through the surveyed property has to be a part of that property. Even, otherwise, looking to the endorsement appearing in the notification reproduced herein below; forming part of the notification, one has to conclude that the roads mentioned in the endorsement were part of the notification; whereby the lands, in question, were declared or notified as "reserved forest". The endorsement appearing in the notification, reads as under :

> " Three roads in the forest areas i.e. Kallay - Oldavem, Oldavem-Sligao and Carmona-Oldavem shall be kept open for public."

4. In my considered view, the submissions advanced by Mr. Usgaonkar are not available for invoking the review jurisdiction of this Court. In the above view of the matter, no case is made out to entertain this review petition. The review petition is, therefore, rejected in limine, with no order as to costs.

V.C.DAGA, J.

ssm.